



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

June 27, 2013

Ms. Pamela Lee
Davis Graham and Stubbs LLP
1550 Seventeenth Street, Suite 500
Denver, CO 80202

RE: FOIA EPA-R8-2013-006609

Dear Ms. Lee:

This is in response to your Freedom of Information Act request seeking the following documents:

1. Annual reconciliations regarding money that was expended from the Custodial Trust at the East Helena site from 2009 to present.
2. Approved budgets for Trust expenditures from 2009 to present.
3. Projected budgets for Trust expenditures from 2009 to present.

Regarding Item 3, we have searched our files and found that we have no records responsive to your request.

Attached electronically are documents responsive to Items 1 and 2 for the years 2010, 2011, and 2012. The Montana Environmental Custodial Trust was established in December 2009, so there is no information available for 2009.

The information for 2013 contains material claimed confidential and may contain trade secrets or commercial or financial information exempt from disclosure under 5 U.S.C. § 552(b)(4). In accordance with 40 C.F.R. 2.204(d)(1), I am initially denying your request as to those records because EPA must conduct further inquiry before making a final determination. We will consult with any relevant third parties in connection with business confidentiality claims concerning these records, and the EPA Region 8 Office of Regional Counsel will issue a final confidentiality determination.

As noted above, the information withheld under Exemption 4 will be sent to the appropriate legal office to issue a final confidentiality determination. Therefore, you do not need to appeal the information withheld pursuant to Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this denial to the National Freedom of Information

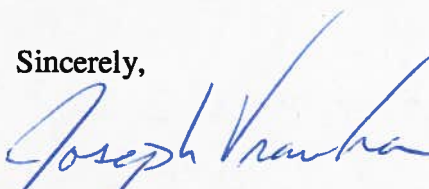


Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460.¹ Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

You will receive an invoice separately for this request once we complete the request and compile the costs.

Please contact Chuck Figur at 303-312-6915 should you have any questions concerning this matter.

Sincerely,


for Julie A. DalSoglio, Director
Montana Office

Enclosure – List of withheld document

¹ . FAX: (202) 566-2147, Email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004

Withheld Document

Montana Environmental Custodial Trust East Helena Annual Approved Budget 2013